

REMARKS

*Claims 47-71 are pending in the case. The Applicants strongly believe that the below Remarks have distinguished the present application from the applied references, and thus, have placed the present application in condition for allowance. Accordingly, the Applicants respectfully request timely and favorable action.*

Rejection under 35 USC § 103(a) over Baeck in view of Aaslyng

The Examiner has rejected claims 47-71 under 35 USC § 103(a) as allegedly obvious over US Patent No. 5,697,630 to Baeck et al. (hereinafter "Baeck") in view of US Patent No. 6,197,567 to Aaslyng et al. (hereinafter "Aaslyng"). The Examiner's rejection is respectfully traversed.

As the Examiner correctly notes, Baeck neither teaches nor suggests substitutions at positions 76 and 103, in addition to substitutions at positions other than 27, 99, 101, 104, 107, 109, 123, 128, 166, 204, 206, 210, 216, 217, 218, 222, 260, 265 or 274. See Paper No. 3; page 3. Consequently, the Examiner has attempted to modify the disclosure of Baeck with that of Aaslyng, which purportedly discloses protease variants that include different amino acid sequences relative to their parent proteases among the amino acid residues at one or more of the following positions: 1-4, 14-18, 20, 27, 40-41, 43-46, 51-52, 60-62, 75-59, 91, 94, 97, 100, 105-106, 108, 112-113, 117-118, 129-130, 133-134, 136, 137, 141, 143-146, 165, 173, 181, 183-185, 191-192, 206, 209-212, 216, 239-240, 242-245, 247-249, 251-253, 255-257, 259, 263, 269 and 271-272 and at least one further mutation at an amino acid residue occupying one of the following positions: 11-4, 6, 9-12, 14-15, 17-22, 24-25, 27, 36-38, 40-41, 43-46, 49, 50-62, 75-79, 87-89, 91, 94, 97-101, 103-109, 112-113, 115-118, 120, 126, 128-131, 133-134, 136-137, 140-141, 143-146, 155-156, 158-167, 170-173, 181-186, 188-189, 191-192, 194-195, 197, 204, 206, 209, 210-218, 235-245, 247-249, 251-257, 259-263, 265, 269, 271-272 and 275. The Examiner has taken the position that a person of ordinary skill in the art would be motivated to modify the Baeck by using protease variants disclosed therein with the substitutions taught by Aaslyng to make the claimed cleaning compositions. The Applicants submit that, in doing so, the Examiner has failed to establish a *prima facie* case of obviousness under 35 USC §103(a) over any of the applied references.

It is the Applicants' position that there exists no motivation to combine the disclosure of Baeck with that of Aaslyng. Moreover, the Applicants submit that even the attempted combination would fail to teach or suggest each and every facet of the claimed invention, as claimed in claims 47 to 71. Indeed, Aaslyng discloses a plethora of possible mutations and combinations of mutations to a subtilisin protease. Despite the overabundance of possible mutations disclosed, Aaslyng only sets forth a limited number of specific embodiments, none of which teach or suggest the claimed invention, whether alone or in combination. It is the Applicants' position that the disclosure of Aaslyng should be limited to that which is clearly disclosed, rather than the extensive list of possible mutations and similarly non-enabled disclosure set forth by the reference.

Applicants respectfully submit that, in light of the vast number of possible mutations and combinations of mutations to a subtilisin protease disclosed in Aaslying, only the preferred and enabled embodiments of the reference should be used to determine whether there existed motivation to combine the reference with that of Baeck or whether the claimed invention, as claimed in claims 47-71, is rendered obvious for purposes of 35 USC § 103. Support for Applicants' position is found in MPEP 2131.02, specifically in the discussion regarding *In re Petering*, 133 USPQ 275 (CCPA 1962). In any case, it is clear that Aaslying, whether alone or in view of Baeck, neither teaches nor suggests the specific combination of substitutions at positions 76 and 103 as disclosed in present claims 47-71. It is also the Applicants' position that a person of ordinary skill in the art would not be motivated to combine Aaslying with Baeck. Indeed, the Examiner has failed to identify any specific motivation for the attempted combination. Thus, in light of MPEP 2131.02 and the arguments set forth above, Applicants submit that the attempted combination fails to render the present invention obvious, as Aaslying does not teach each and every element of the claimed invention as claimed in Claims 47-71. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection to Claims 47-71 under 35 USC § 103(a).

CONCLUSION

Applicants have made an earnest effort to place the present claims in condition for allowance. WHEREFORE, entry of the amendments provided herewith, reconsideration of the claims as amended in light of the Remarks provided, withdrawal of the claims rejections, and allowance of Claims 47-71, as amended, are respectfully requested. In the event that issues remain prior to allowance of the noted claims, then the Examiner is invited to call Applicants' undersigned attorney to discuss any remaining issues.

Respectfully submitted,

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